

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

\* \* \*

FREDERICK MARC COOLEY,

Plaintiff(s),

vs.

R. LEUNG, *et al.*,

Defendant(s).

2:10-cv-1138-RLH-RJJ

**ORDER**  
(Motion for Entry of Default—#31)

Before the Court is Plaintiff's Second Motion for Entry of Default against Defendants (#31, filed July 20, 2012). The Motion is clearly without merit and the Court will summarily deny it without awaiting a response.

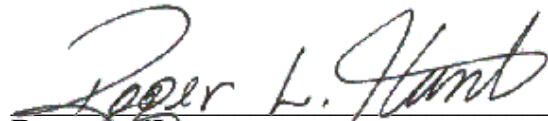
Contrary to Plaintiff Cooley's assertions, Defendants did file an Answer to his Amended Complaint on June 6, 2012 (#28). A copy of the Answer was mailed to Plaintiff, but returned as undeliverable. A review of the file clearly shows the reason.

On February 17, 2012, Plaintiff filed a Notice of Change of Address, changing his address to 500 Union Ave., Fairfield, CA 94533. It is to that address the Answer was mailed. The envelope was returned, marked, "Returned to Sender / Not in Custody."

The present Motion shows Plaintiff's original address of 465 Carlson Street, Vallejo, CA 94590, rather than the new address given by Plaintiff in his Notice of Change of Address. If he did not receive the Answer, the mistake is of his own doing. At any rate, an Answer has been filed by Defendants, together with a Certificate of Interested Parties, and Plaintiff's present Motion is without merit.

1 IT IS THEREFORE ORDERED that Plaintiff's Second Motion for Entry of Default  
2 against Defendants (#31) is DENIED.

3 Dated: July 23, 2012.

4  
5   
6 **Roger L. Hunt**  
7 **United States District Judge**  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26